

SPRING JUDICIAL COLLEGE

April 16, 17 & 18, 2008

COURSE OFFERINGS ON WEDNESDAY, APRIL 16

■ **THE ROLE OF JUDICIAL OFFICERS IN MANAGING JUVENILE SEX OFFENSE CASES: KEYS TO INFORMED DECISION-MAKING** 9:00 a.m. - 4:00 p.m. (5.5 CLE & Judicial College/Master's Credit) Sex offenses that are committed by youth are frequently identified by juvenile court judicial officers as among the most challenging cases over which they preside for a host of reasons, including the complicated dynamics associated with juvenile sex offending behavior. Keeping up with recent legislative changes and significant variations in the quality and availability of specialized assessments and programming can create barriers to effective management of these youth. Juvenile judges are cognizant of the high stakes associated with these cases. Treatment or supervision failures can translate into additional victims of sexual assault. Developed under a project sponsored by the State Justice Institute, this course will explore the role of the judicial officer in managing these often difficult cases. **Faculty:** Deanne Darling, 5th Judicial District, Oregon; Senior Manager Representatives from the Center for Effective Public Policy; Dr. Kurt Bumby; Leilah Gilligan; Thomas Talbot.

■ **COURTROOM BEST PRACTICES IN SELF-REPRESENTED LITIGATION** 9:00 a.m. - 3:45 p.m. (5.0 CLE & Judicial College/Master's Credit) ⓘ This course will present a model curriculum developed by the National Judicial College, National Center for State Courts, American Judicature Society and the Self-Represented Litigation Network on courtroom best practices in self-represented litigation cases. The curriculum will focus attention on application of the Code of Judicial Conduct, advisory opinions and case law implicated in civil SRL cases; different styles of engagement with litigants in the courtroom; the development of strategies of engagement which promote access to justice without being or seeming biased to participants; and the development of a systems approach for clerks and court staff who deal with SRL's. **Faculty:** John Greacen, Greacen Associates, New Mexico; Jane Spencer Craney, Morgan Superior Court; Gregory Donat, Tippecanoe Superior Court.

■ **ELECTRONIC DISCOVERY** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit) Effective 1/01/08, Indiana adopted rules governing discovery of electronic documents and data. Through the use of hypothetical scenarios and mock hearings, faculty members will examine and apply the Indiana Rules of Civil Procedure on electronic discovery and the Sedona Principles on electronic discovery. Faculty will also discuss the differences between paper discovery and discovery of electronically stored information; basic concepts and vocabulary of electronic discovery; relevant rules and sources for judicial guidance; and, the role of the judicial officer in electronic discovery. **Faculty:** Kenneth J. Withers, Director of Judicial Education & Content, The Sedona Conference, Arizona; Stanley Levine, Allen Superior Court; Mary Nold Larimore, Ice Miller, Indianapolis; John Jessen, Electronic Evidence Discovery, Inc., Kirkland, WA; John Kuckelman, Eli Lilly & Co.; Frederick R. Hovde, Hovde, Dassaw and Deets, Indianapolis.

■ **RURAL COURTS** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master's Credit) ⓘ In this continuation of the Rural Courts Series, the focus will be on the ubiquitous nature of the rural bench. Rural court judges are often called upon to hear cases in multiple subject areas in a given day. Presenters will briefly highlight key developments in the Criminal, Juvenile, Domestic Relations, Small Claims/Traffic, Probate, Protective Order and Mental Health areas. There will also be an interactive discussion of ethical concerns and hot topics for the rural court judge. **Facilitators:** Susan Orr Henderson, Fountain Circuit Court & John Rader, Warren Circuit Court. **Additional faculty to include:** David Coleman, Hendricks Superior Court; Sherry Biddinger Gregg, Knox Circuit Court; Michael Kramer, Noble Superior Court; Mary Willis, Henry Circuit Court; Robert Witham, Henry Superior Court.

■ **JTAC ONLINE TOOLS FOR JUDGES: PROTECTION ORDER REGISTRY** 9:00 - 11:45 a.m. (2.5 CLE & Judicial College/Master's Credit) Would you like your Protection Orders to be at the local police station AND the FBI just minutes after your decision? JTAC's online Protection Order Registry (POR), now in use in more than 50 Indiana counties, makes it possible! This session will provide a tour of Indiana's POR and hands-on instruction. Learn to create Protection Orders and No Contact Orders and about the process the POR uses to notify local law enforcement, the Indiana State Police, and the FBI's National Crime Information Center. This course is taught by the POR Project Manager, so you will also have an opportunity to express interest in launching the POR in your county. **Faculty:** LaJuan Epperson, Associate Project Manager, JTAC, Division of State Court Administration.

■ **THE IMPACT OF TECHNOLOGY ON THE COURTS, INCLUDING 4TH AMENDMENT ISSUES** 1:00 - 4:00 p.m. (2.8 CLE & Judicial College/Master's Credit) The search and seizure of computers and the ramifications of obtaining electronic evidence will be addressed. Faculty will also examine the dimensions of "cyber crime," the civil and criminal implications of computer forensics evidence, whether computer searches are "special," and when the Fourth Amendment applies. **Faculty:** Thomas Sadaka, Of-Counsel to Seiden Alder Matthewman & Bloch, Celebration, FL.

■ **THE FORECLOSURE CRISIS IN INDIANA - THE JUDGE'S ROLE** 1:00 - 4:00 p.m. (2.8 CLE & Judicial College/Master's Credit) Indiana is in the top five states for foreclosure rates, and was second overall (behind Ohio) for the 3rd quarter of 2007. Foreclosure vests significant discretion in the judicial officer, which will tax the creativity of those hearing the cases. The need to encourage negotiated resolutions and alternatives to foreclosures is huge, not just for the affected homeowners, but also for their neighbors whose property values are declining, and for the world financial system that is holding its breath to see how many U.S. mortgages will end in default. Topics to be covered in this round table discussion include: the effect and interplay of bankruptcy on a foreclosure action; pro bono resources for pro se defendants; the structure of the mortgage industry and relationships of the parties; and the regulation of mortgage lenders in Indiana. **Faculty:** Professor Alan White, Valparaiso University School of Law; Michael Feiwell & Douglas Hannoy, Feiwell & Hannoy; Chris Jackson, Chris Jackson Law Office.

■ **CASE MANAGEMENT LAB: THE ODYSSEY CMS** 1:00 - 3:45 p.m. (2.5 CLE & Judicial College/Master's Credit) Take a hands-on test drive of the Supreme Court's Odyssey Case Management System, which is currently in use in Monroe County and Marion County's Washington Township. Experience firsthand the processes of starting a case; entering charges, fees and other case details into the system; and disposition of cases. JTAC's CMS Project Manager will teach the class and be available to answer your questions and hear your feedback. **Faculty:** Donna Edgar, Project Manager & Marci Scott, Court Reporter Subject Matter Expert and Field Trainer, JTAC, Division of State Court Administration.

COURSE OFFERINGS ON THURSDAY, APRIL 17

■ **EFFECTIVE SENTENCING - THE NEXT STEP: WHAT DO YOU DO WITH WHAT THE RESEARCH TELLS YOU?** 9:00 a.m. - 3:30 p.m. (5.0 CLE & Judicial College/Master's Credit) In this follow-up to the 2007 Spring Judicial College program on "Effective Sentencing: What Does the Research Tell Us," Mark Carey will recap the growing body of research on evidence based practices describing what works in reducing recidivism and will then take effective sentencing to the next level. What should a judicial officer do with all this research? How do you implement evidence based programs? What are other jurisdictions doing? Can you simply copy another's program? These and many other issues will be addressed. **Faculty:** Mark Carey, The Carey Group, White Bear Lake, Minnesota.

■ **BEST PRACTICES IN SMALL CLAIMS CASES & ISSUES IN LANDLORD-TENANT LITIGATION** 9:00 a.m. - 3:30 p.m. (5.0 CLE & Judicial College/Master's Credit) During the morning segment, a panel of experienced judicial officers will discuss a number of issues arising in small claims cases from the filing of the action through judgment and proceedings supplemental. In the afternoon, the moderator will lead the group at large in a discussion of issues such as: abandoned property, emergency evictions, warranty of habitability, the security deposit statute, damages, and mobile homes. **Faculty:** Earl Penrod, Gibson Superior Court; Frances Hill, Monroe Circuit Court; Peggy Quint Lohorn, Montgomery Superior Court; Sheila Moss, Lake Superior Court; Russell Sanders, Shelby Superior Court.

■ **MARRIAGE, MURDER, ISOLATION AND ... JUDGING** 9:00 a.m. - 4:00 p.m. (5.5 CLE & Judicial College/Master's Credit) Marriage - union, children, family, love. Marriage - isolation, desperation, hatred, murder. Marriage - the source of great literature, both giddy and gruesome. But does marriage have anything to do with judging? Yes, of course. Every day, America's courtrooms host marital ceremonies, marital disputes and dissolutions, marital violence and murder. And that alone would be more than enough to prompt judges to better understand marriage through literature. But can the literature of marriage also help judges better understand judging? With a few short films and nine brief readings, participants will probe the possibilities and, perhaps, find some fascinating answers. Selected texts for this course are: Susan Glaspell, *A Jury of Her Peers*; Luigi Pirandello, *Sicilian Honor*; Nancy Huddleston Packer, *Early Morning, Lonely Ride*; James Thurber, *Mr. Preble Gets Rid of His Wife*; Stephanie Coontz, *Too Close for Comfort*; Mary Wilkins Freeman, *The Revolt of "Mother,"*; John Steinbeck, *The Harness*; Robert Bolt, *A Man for All Seasons* (Act Two, jail scene) Mark Twain, *The Adventures of Huckleberry Finn* (excerpt, Huck's soliloquy). Reading assignments will be sent out in advance to enrolled participants. **Faculty:** Charles Schudson, Wisconsin Reserve Judge.

■ **HANDLING THE CAPITAL CASE** 9:00 a.m. - 4:00 p.m. (5.5 CLE & Judicial College/Master's Credit) A capital "death penalty" case imposes a heavy burden on the trial judge, with its rules for jury selection, sequestration, and communication; the penalty phase and sentencing; how to best handle the media; and the particulars of the appeal process. This course will combine a substantive review of case law (federal and state), statutes, and procedural best practices about handling capital cases. Join a panel of experts in the field and bring your questions! **Faculty:** Professor Joseph Hoffman, Indiana University School of Law, Bloomington; Robert Altice, Marion Superior Court; Cynthia Emkes, Johnson Superior Court; Frances Gull, Allen Superior Court; Teresa Harper, Monroe Circuit Court.

COURSE OFFERINGS ON FRIDAY, APRIL 18

■ **“EARLY BIRD” - STRESS MANAGEMENT FOR TOUGH MINDED PEOPLE** 7:45 - 8:45 a.m. (1.0 “NLS” CLE & Judicial College/Master’s Credit) Stress, depression, anxiety, addiction... just for weak people? Absolutely not! Stress can and does affect everyone even if you have good mental health habits. This session will help you understand what stress is and how it can affect you or your colleagues. Experiential exercises will demonstrate how to combat the negative effects of stress in your everyday life. *Spouses are welcome to attend.* **Faculty:** Kimble Richardson, M.S., LMHC, Physician & Referral Liaison, St. Vincent Stress Center, Indianapolis.

■ **EVIDENCE IN ACTION - A PRACTICUM ON THE RULES OF EVIDENCE** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master’s Credit) The trial seems to be progressing well, but suddenly the dreaded word “Objection” resounds in the courtroom. What rule applies? Was there a sufficient foundation? Is the tendered evidence probative? Is the evidence too prejudicial? How will I rule? In an interactive setting based on a civil case fact scenario, these and other questions will be addressed. In a judge’s world, evidence is both an academic discipline and a necessary skill. Join your colleagues in honing your evidence skills. **Faculty:** William Hughes, Hamilton Superior Court.

■ **A SPECIAL POPULATION WITH SPECIAL RULES: ADULT SEX OFFENDERS** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master’s Credit) This course on adult sex offenders will be divided into three areas. Faculty will review the special statutory provisions governing sex offenders currently in effect along with any new sex offender legislation; probation conditions and supervision of sex offenders; and, sex offender assessment tools and available treatment programs. **Faculty:** Adam Deming, Psy.D., Program Director, Sex Offender Management & Monitoring Program, Liberty Behavioral Health Corporation; Christine Kerl, Supervising Probation Officer, Marion County Probation; Mark Stoner, Marion Superior Court.

■ **CANCER OF THE FREE WILL: THE BRAIN DISEASE OF ADDICTION** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master’s Credit) This lecture will provide a comprehensive understanding of mechanisms of addictive disease and its impact on society and public health. Key themes covered will include how addiction affects individual brain cells and neurocircuits that govern motivation, and vulnerability to addictions in adolescents and the mentally ill. **Faculty:** Dr. Andrew Chambers, Assistant Professor of Psychiatry, Indiana University School of Medicine & Assistant Medical Director, Indiana Division of Mental Health and Addiction.

■ **EMINENT DOMAIN IN THE 21ST CENTURY** 9:00 a.m. - 12:00 p.m. (2.8 CLE & Judicial College/Master’s Credit) A brief guide to condemnation practice and procedure: from acquisition through judgment, and all steps in between. What must a condemner plead and prove in order to condemn real estate? Who are necessary parties to a condemnation case? Is necessity of the taking a legal question? What is a good-faith offer to purchase? What is just compensation? Oh, and what about taxes? **Faculty:** Dennis McKinney, Staff Attorney, Indiana Supreme Court Disciplinary Commission & Former Chief of Real Estate Litigation, Office of the Indiana Attorney General.